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Summary

This paper traces the history of the bush justice system in rural Alaska, describes the relationship between traditional Alaska Native dispute resolution mechanisms and the state criminal justice system, and analyzes bush justice research between 1970 and 1981 and its effects on state agency policies and changes in the rural justice system. Innovations by researchers were well-received by villagers and field-level professionals, but not by agency policymakers. Hence, most reforms made in the 1970s had vanished by the early 1980s. The author concludes that further reforms will be ineffective unless Alaska Natives are drawn into the decisionmaking process as co-equal players negotiating on legal process from positions of power.

Additional information

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Alaskan Bush Justice: Legal Centralism Confronts Social Science Research and Village Alaska

by

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SECOND DRAFT

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The Environment for Research

I was attracted to Alaska from Brazil by what appeared to be a request by a powerful figure in the legal system, the Chief Justice of the Alaska State Supreme Court. He sought to adjust the state justice process to the needs of village Alaska[1] through a process of team research by a lawyer and an anthropologist which he hoped would lead to an agenda for reform.

In personal conversations, Chief Justice George Boney was receptive to approaches I had discovered to be useful in other environments. For example, he and other justice officials urged research on customary law ways leading to evaluation and solution of problems associated with Native contact with a modern centralized state legal system. He was receptive as well to training and deployment of Native paralegals as legal culture brokers between systems, a device with which I had found effective in law practice on the Navajo reservation and in development of bicultural legal education for Navajo students.

In preliminary research in Alaska villages, prior to my move to Alaska, I began to discover that local dispute adjustment in institutionalized and non-institutionalized form lay at the heart of daily village justice. I was also encouraged by recommendations by participants in Alaska's first Bush Justice Conference that "the locus of decision making in the administration of justice in village Alaska must move closer to the village," and calls for "greater Native participation at all levels of the administration of justice" (Alaska Judicial Council, Bush Justice Conference, 1970:2).

This first conference was attended by white policymakers only with two exceptions (an Eskimo magistrate from Barrow and an Eskimo district court judge from Bethel). Yet its recommendations called for significant changes in the Alaska legal process at the top and at the bottom.

For example, the call for Natives "in policy-making positions in all agencies involved" included specific requests for an Alaska Native on the Judicial Council (Id: 2). The Council chaired by the chief justice screens judicial candidates and has a potentially great influence on the judicial system.

The conference stated that "strengthening of village councils is central to the administration of justice in remote Alaska" (Id:2). It called for the legitimization, encouragement and development of dispositional process alternatives for adults and juveniles (Id:5). At the same time, it advocated provisions for "detention facilities" (Id:3) in villages for adults and juveniles, and it stressed the need for the funding of a program creating village constables in village Alaska to be chosen by village law enforcement officers with the support of the Alaska State Troopers (Id:2).

Professional justice was also to be improved. Trials were to be held in more rural locations, police and judicial travel budgets were to be increased, and education and recruitment of Natives in each justice bureaucracy was to be accomplished.

Cultural differences and the implications of each were addressed in ways not unfamiliar to those of you who have worked

in Australia, Canada and other places. "(T)he cultural context and impact of judicial administration must be thoroughly understood by all involved in the system of bush justice" (Id:4).

Court arraignments were to be conducted in Native languages and bilingual attorneys or para-professionals were to be recruited (Id:6). That an act was committed pursuant to Native custom was to be considered as a mitigating factor in sentencing (Id:6).

The University of Alaska was requested to establish an institute to train legal personnel in both rural and urban areas in Native culture and languages (Id:3). The University, state administration and judicial council were to initiate programs of research concerning such areas as the character and processes of village law-making, judicial administration and law enforcement" (Id:5).

This last recommendation is particularly important because it led to my invitation to join the University of Alaska.

This agenda for reforms of bush justice reflected in turn several underlying currents.

First, there was the strong organizational current based on the state's constitution. The constitution was drafted in reaction to the territorial experience whereby authority was lodged in boards, in local governments, and in federal courts and administrators, but very rarely in the territorial government (Fischer, 1975).

The constitution established a centralized court system (with no pockets of local autonomy such as county courts); a Department of Public Safety; a Division of Corrections within the Department of Health and Social Services; a Department of Law; and a state Public Defender Agency. Each of the latter agencies were headed by appointees of the governor. These state agencies had some limited competition from incorporated cities and organized boroughs. But in bush Alaska, it is fair to say that they had free reign over any local level of service.

Second, a funding current pitted the bush proponents against the commanding hand of the urban funders. The 1970's were days in which agency heads sat on the Governor's Commission for the Administration of Justice and divided the all-too-limited LEAA pie. Local police departments came hat in hand to commission meetings. Powerful white communities such as Anchorage, Fairbanks and Juneau were awarded seats on the Commission and some share of the pie.

Village Alaska had Native seats but no strong advocate.

Third, the era was marked by the conclusion of the Native land claims debate. The settlement resulted in a prolonged process of land selection and distribution of funds to village Alaska. Native leaders were not focusing upon bush justice issues. When they did, their concerns were first directed to high school education in the villages and only later to the legal contest over subsistence.

Why did the Chief Justice encourage renewed attention to

rural justice? One can only speculate. He drowned two months after I arrived in 1972.

Boney was said to have his eyes on the governorship. Unlike the chief justices that followed, he relished the political process. As chairman of the Governor's Commission he could meld usually competing agencies together around a theme that had no overt opposition. In fact, the Department of Public Safety was safely in favor of bush justice reforms. It desired to retain the unorganized borough as its prime constituency as urban police contested their position in major cities.

The Division of Corrections was seemingly susceptible to coercion by Boney. As a subordinate and not co-equal agency, it was in the unhappy position of having unpopular urban jails filled with rural inmates cut loose from their rural communities.

Did Boney seek to assert state authority over what was soon to become Native land under the banner of bush justice reform? Did he seek to follow the lead of U.S. Senator Mike Gravel who successfully used bush voters as a new lever to sweep past incumbent Senator Ernest Gruening and a democratic plurality?

With Boney's death at 39 went the secret of his private motivations. At that time the mantle of chief justice passed to Jay Rabinowitz, a jurist devoted to the concept of equal justice, but entirely disinclined to coordinate and direct competing factions within the justice system. The impetus for direction of the justice system and content passed back to the discrete departments charged with policing, prosecution, defense and correc-

tions. Continuance of meetings of the Governor's Commission was for little more than division of the federal spoils.

In the court system, initiative passed to a professional court administrator who drew the court into concerns normal to large urban bureaucracies and their constituencies.

If one looks back over the decade to the original agenda for reform and reads the accompanying scorecard against accomplishments, the picture which emerges is bitter and bleak indeed, for Natives who participated in two later Bush Justice Conferences. This is particularly true for the Alaska Federation of Natives who had, for a time, a bush justice team. Or even for researchers, as each operated on the principle that bureaucracies could be motivated by accomplishments in the field to reform the greater institutions, or at least to adapt roles to rural needs and expectations or supply resources where they were lacking.

Only where Native organizations marshalled their own political resources to seek legislative change or governmental control have there come some significant changes. But even these changes have led to the increase of levels of Western legal presence in ways often at odds with village constituencies.

Villages remain Western legal colonies, subject to either inadequate legal assistance or, in other cases, gross over-policing that draws half of a town's population into the jail system under the guise of protective custody for alcohol related behavior (Boedeker, 1981; Conn 1981a).

For the researcher, then, an evaluation of his role in this process must include very serious professional soul searching. Did his emphasis upon cultural adaptation understate and conceal the political imperatives which dictated the allocation of resources throughout the period? Did "cultural difference" provide the scapegoat for justice decision makers to avoid hard decisions within their own realm? Did some spurious allegiance to village autonomy and its local law provide a continuing justification for inadequate state intervention to deal with violent crime? Was this not an inadequacy which actually amounts to ground level disdain for village survival?

Three Camps

One can divide those with deepest concern for matters of bush justice into three camps. This division is important since perspectives borne out of self-interest and experience are critical to understanding motivation and interpretations of events.

The first camp is that of the legal professionals. They may be divided into policy makers at the top and field operatives at the bottom. At the top of the supreme court is the chief justice, a man deeply concerned with the ideology of due process. He is particularly concerned with the image of his court. His lieutenant, the administrator of the state court system, is concerned with the health and welfare of his own growing bureaucracy and its competence as measured by the legislature, by practicing attorneys and by high court judges. Their counterpart in the Department of Health and Social Services is the head of Division of Corrections. Their counterparts in the Department of Law are

the attorney general and the chief prosecuting attorney. The chief public defender also combines the ideological and administrative perspective.

Field operatives represent the agency in town locations which serve as service centers. A single corrections officer in the town of Bethel, for example, provides juvenile intake and disposition, probation, parole and, presentence reports for convicted felons for a region about the size of the state of Oregon, with 57 villages and 29,000 persons. The town's public defender and assistant district attorney each have the same position within their own bureaucracy and the same village clientele.

The field operatives have direct contact with villages and their justice systems, both official and extraofficial. Their mandate is to keep their agency's service record clean, "to keep the lid on." Although they have usually very clear perspectives of bush justice, their propensity to blow the whistle on inadequate service and lack of sufficient funds from their agency or from others must be weighed with career considerations. They are not in a position to change the allocation of resources of their own agencies or others without jeopardizing their own careers. Discrete agencies are also not prepared to collaborate at the top though necessity may compel collaboration in the field. Thus in 1975 in Nome, it could be said that the justice system played basketball on Thursday nights. Each system agency views his service and village connections as separate from the other. Only the village views all contact from justice agencies as coming

from a single source.

The second camp is comprised of consumers. Twice in 1974 and in 1976 they have been given a chance to express their concerns to justice professionals through Bush Justice Conferences. More often, usually around election time, they have aired their complaints to visiting agency heads in what have been termed dog and pony shows (See Easely, 1973). They have spoken to committees established by Alaska Federation of Natives and, of course, to researchers and field representatives of justice agencies. Legislatively appointed auditors and special committees have periodically traveled to the village for "input."

Those members of this village constituency nominated as magistrates, village police, or correctional aides may be termed paraprofessionals. They are set apart from field professionals if not by their actual work, then because they do not enjoy limited professional lines of communication which stretch from town to urban bureaucracies. Village magistrates and police exist in a nether world, making loose connections between the power stuctures of state justice and village justice.

The researchers are the third camp. They were called upon to study the relationships between the state and village justice processes. They also zeroed in on the relationships of Natives to one or both systems each from legal perspectives, historical perspectives, anthropological perspectives, but rarely from political perspectives. Over ten years they researched, tested and recommended solutions to policymaking professionals. These

professionals purportedly sought to deliver Western law services to villages in an environment challenging to the structures, processes and roles placed within it unless they were adapted to it. In the main these recommendations were little more than adaptations of urban structures, process and roles to allow for continuing control at the village level by village people along with guarantees of direct participation by them in state legal process as they needed it.

In short, the work of researchers tended to concentrate around the delivery of services to villages and the interplay of village and state legal process. In this it was not unlike that of the bush field operatives except that it was less town and more village centered as well as being less oriented to a single justice bureaucracy.

As with the paraprofessionals, researchers reported to both systems but had a power base in neither.[2] Outside of the justice bureacracies they operated somewhat out of control of all key participants but had access to any and all. Researchers were in a position to monitor the flow of justice matters through the prisms of each group over time and across cultural boundaries Researchers had time to think. There was apparently no deadline.

What is the bush justice system in Alaska?

It is a constitutional scheme of rule making, law enforcement, adjudication, defense and correctional activity which feeds through separate and highly centralized bureaucratic channels from urban Alaska to small towns from which fledgling governmen-

tal services flow to networks of rural villages. These 150 villages of 300 persons on the average are predominantly Eskimo or Indian. Town legal connections with the villages are formed in some instances by paraprofessional judges, police or ex-official bodies such as village councils who report some serious cases to state field operatives in town. More often connections are triggered by reports of serious crime and removal of offenders and victims to towns by the appropriate agencies.

In Eskimo village society all law jobs and institutions have been designed by whites. Eskimos, only, implemented and developed them. Thus the "state legal system" and the "village legal system" are both white creations from their inception. Despite this unhappy fact, the village systems work to the extent that Eskimos are innovative within the constraints of these roles and institutions. But no Eskimo person in Alaska would suggest that village justice systems were constructed to handle all matters serious and unserious.

The Early Years

In Alaska village councils, locally elected bodies have now had 60 years of experience in the business of dispute adjustment. (See Conn and Hippler, 1973). Teacher-missionaries introduced these institutions. Their intent appears to have been to use the councils to advance their own agenda of reform: to suppress the manufacture of hootch, to seek out and punish sinners and to urge upon parents the discipline necessary to operate village schools in communities still geared to the rhythms of hunting and

fishing.

Councils over time cut loose from teachers and found a place within the larger web of white and Eskimo social control. Village councils were more easily grafted into the then-present configuration of formal law and the Eskimo law ways than was the case with Athabascan villages where systems of chiefs and clans, figures of pre-contact Athabascan law ways were challenged (Conn and Hippler, 1972). Thus Eskimo experience is reflected in the following decription of councils.

Village Council Roles

In the Eskimo communities, representatives of leading families formed a consensus within councils. Village councils fit within the process of community and state law. Councils backstopped and extended dispute adjustment. This reflected the classic approaches of conflict avoidance - conciliation, gossip, ostracism and counseling among Eskimos. But, as important, they were supported from the outset by white village residents (teacher-missionaries deputized under federal law), the board of elders in Presbyterian and Moravian communities, occasional resident U.S. Commissioners and nonresident marshalls, Coast Guard cutters and even a distant court system (Milan, 1964).

Councils were the last stop in a process of evolving interpersonal customary law ways and the first step in a process of Western intervention that could result in referral to a police and court process outside of the village. Councils settled into a routine of dealing selectively with persons whose social ties

to the village made them somewhat less responsive to approaches that were geared chiefly to drawing an offender back into a social consensus (Conn, 1975). These ties were based both upon the need to retain and to sustain economic relationships upon which survival depended. Confessing or compromising before a council also avoided removal by the Western law process.

Western legal intervention had made impossible (or at least more dangerous) killing or banishment as final steps in a customary legal process. However, to a certain extent it had replaced these ultimate steps when deviants persistently refused to respond to social cues conveyed outside of the council or within the village's interpersonal process, with removal into its own legal process in a distant place.

Councils were most often an Eskimo institution of last resort but even within its processes of case adjustment were opportunities to admit one's guilt, ask forgiveness and be reintegrated into the community. Orientation and not punishment was the usual result of the process. Two or three appearances before a council could be anticipated before it sought to draw in outside police authority.

Councils were draped in official and ex-official legal authority. In territorial days (pre-1959) this allowed them to operate as police courts where a U.S. Commissioner was not present. The status of many under federal Indian law gave them power (according to visiting Bureau of Indian Affairs officials) to govern members of the Indian community (Case, 1978). In addition

federal law until 1948 and territorial law until 1953 prohibited the purchase of liquor by or sale to Alaska Natives. White government agents, resident and non-resident, singled out homebrew manufacture. Suppression of alcohol use among villagers became their special legal tasks (Conn, 1981b).

Intervention by marshall, Indian police, liquor suppression agents and later territorial police, while limited by geography and state resources, was sufficient in territorial days to reinforce the council when it responded punitively. More important, however, it shifted its focus to deal with matters before a situation exploded into violent or actual conflict. Not only the official blanket of prohibition but also limited wage opportunities and difficulties of transportation and communication gave village councils their special opportunity. By reacting to incipient conflict or to the seeds of later conflict, councils avoided confrontation with either villagers or with agents of the official legal system (See Conn and Hippler, 1975).

The Later Years

A variety of factors destabilized the council as a mechanism for dispute adjustment in the years immediately following statehood (1959). In meetings with state officials, council presidents learned that state officials would not support bans on liquor possession or manufacture (Conn, 1981a). "Village rules" were distributed by district attorneys, rules easily transferable into state violations. Two factors made this arrangement unworkable. First, promised supportive intervention by the troopers when councils requested it was not forthcoming. In the

Bethel region alone, for example, in 1963 a single trooper provided service to 57 villages.

Villages were informed that they were to handle matters on their own and notify the police only when violent felonies had occurred. Letters to police during the period demonstrate that detailed descriptions of repeated violence were often left unanswered. Second, in the early 1970's drunken behavior in public or in private was decriminalized. Although police pickups, under a protective custody provision were allowed, only towns and cities capable of underwriting a substantial police and jail operation could use this device as a net to deal preventively with drunken behavior.

In the late 1960's, the court system introduced appointed Native justices of the peace (called magistrates) into about 30 Native villages. Where this occurred, villages councils deferred to this official authority and refused further complaints (Conn and Hippler, 1973b). Yet because matters heard by councils were often pre-or sublegal in Western terms because complainants did not wish to confront fellow villagers, and because village policing was unstable, transfer of authority did not induce a transfer of the activity which councils were best equipped to carry out. Most villages did not receive magistrates, and could not appoint them without court approval.

Social factors also de-established the balance critical to the relationship. Service centers such as Bethel became ready sources of wage opportunities and bootleg liquor. Youthful popu-

lations rose dramatically partially as a result of improved health care and populations shifted from villages more distant from towns to those within relatively close proximity to towns.

What did not increase rapidly during the 1960's or early 1970's (the latter period in which our applied research began) was professional service. Only one superior court judge, district attorney and public defender resided in rural Alaska, a relic of a court established in Nome during the gold rush days for a then 20,000 person (now 2,000) white population. Bethel contained an Eskimo district court judge. Other professionals (with the exception of a legal services attorney who married into the community and became the first superior court judge in 1975) migrated from Anchorage, Fairbanks and Nome.[3] In Barrow a magistrate and trooper were the only professionals in residence for the nine villages on the North Slope.

The Division of Corrections employed two corrections officers for all correctional tasks, one in Bethel and one in Nome. They were assisted by correctional aides, one in Bethel and one in Kotzebue.

Thus one could conclude that while the social environment underwent changes at every turn, the state justice system changed in smaller ways.

Impact on Council Justice

Councils as institutions have continued to play a central role in dispute processing in more than a 100 villages without

magistrates. Yet to continue that activity councils were forced to become less "council-like," by earlier definitions, and more court-like by magistrate terms.

Councils confronted a more persistent stream of conflicts of a magnitude and severity unlike the immediate past. Surprisingly, Western intervention was less reliable and less predictable.

With external punitive intervention less reliable, many councils shifted from bodies of reconciliation to bodies which directed fines and other sanctions at offenders. This shift from council-like to court-like approach was never completely successful. Fines were not collectible. Official support for fining was verbal but never explicit. Young persons challenged council authority (See Conn, 1976).

This process as it evolved involved counseling at a first stage, then further warnings and finally, graded attempts at punishment. Village councils showed through their procedures reluctance to apply the ultimate sanctions. Their capacity to call in and direct outside authority was not certain.

In the early 1970's troopers began to train village police (Angell, 1978). In conjunction with the councils, council marshalls had existed as extensions of the council in many places. These new village police, hired and paid by the council, were trained as Western police and charged with reporting felonies to the state troopers and lesser matters to councils. Some reported other matters to the local authority.[4] Others ignored

the council.[5]

Still reports from police indicated that by the mid-1970's eighty percent of their arrests resulted in council and not court disposition. In a 1977 survey of 55 villages a quarter of all matters processed as criminal law violations resulted in council or problem board disposition (Angell, 1979). In other words, village police appended themselves to councils, as adjudicative bodies for minor offenses despite the fact that for the judicial system, councils were illegal institutions.

The irony of the position of the village council by the early 1970's should not be overlooked. As an official matter, the state legal system viewed village council process as an anachronism, a fixture of law ways of a distant past. As an unofficial matter, field professionals armed with mandates from their superiors to carry out impossible tasks of representation, prosecution and law enforcement over distant villages were vocal in their support of what they perceived to be continuing examples of Eskimo justice. Cultural sensitivity or other rationalizations aside, they needed Native community justice systems to resolve their own smaller problems without professional intervention.

Yet this very encouragement of village justice demanded that the village system shift from a preventative process, capable of anticipating problems, to one that reacted very much like Western systems. The balance of outside intervention with inside deliberation was lost and village councils found their council process mutated out of its original form as it was forced to handle both

parts of the service.

When magistrates and village police were offered to villages through appointment and training, the issue was not best articulated as a conflict between law systems, Western and non-Western. Rather, the issue was whether villagers could adequately address their present problems with new Western resources inferior to the working arrangement between formal law and village law of earlier days. The earlier arrangement worked in part because there were fewer problems. But it also worked because it contained supportive elements. It allowed legal levels, one consensual, another punitive, to interact. But more than this, by circumstance if not political intent, it placed in Eskimo hands the authority to draw in external force. Put baldly, Western police did not intercede unless called. The authority to call police passed from teachers to Eskimo councils as Indian policy directives directed teachers to follow the community (Jenness, 1962, Oswalt, 1963). In historical terms for a time the village tail then wagged the town dog.

Yet under this new arrangement what appeared to be more de facto control of village affairs was less. Councils were left with the burden of acting like outside courts and police without their authority or capacity. Shifted outside of council activity by default was their capacity to anticipate and conciliate disputes that were in Western terms sublegal.

If it can be said that power over resources determines the flow of a legal process, then it should be no surprise that power

over state legal matters resides in field operatives. Further, that if engaged, the tendency of the state system has been to draw into towns and cities village legal problems for resolution and dispatch when it did indeed act.

Matured social conflicts which village justice systems have had to undertake have outstripped their capacity to deal with them pre-emptively. They have also overrun their capacity to deal with them in Western terms through policing, judging and jailing (See Angell, 1981).

Village people have called for engagement of the state process on their own terms. This can be said to mean that while prepared to deal with problems preventatively they perceive that Western law services have historically, and must continue to make credible, a functioning interplay of state and local systems.

The issue of this engagement, its predictability and its end results, have been the essence of bush considerations by consumers, professionals and researchers. Conferences or dialogues by each group or a coalition of groups generate very similar recommendations.[6] Yet perspectives vary. And so does intent.

For example, both policy makers and field professionals have been prepared to verbally acknowledge and encourage village justice systems until such time as professional justice resources would (or should) replace these extralegal and paralegal means of social control and enforcement. Resources to replace them have not been rapidly forthcoming (these viewed as travel funds for

town-based professionals or professionals willing to live in small villages). Resources are purportedly allocated according to "need." "Need" for such services is defined in numbers of cases actually dealt with by town professionals and not in high rates of undealt with or unreported crimes or accidents resulting from "intentional infliction of harm by one person to another" as Indian health service operations in towns categorize interpersonal violence (See Conn, 1981a). Need is determined by actual cases. Without professional services, there are fewer actual cases recorded than could be reported.

The allocation of legal power between white legal agents representative of first military, then territorial, then state authority and small villages has changed little, if at all, in more than a hundred years of contact (Conn c, 1981; Jennes, 1962; and Murton, 1965). Social realities in village Alaska have changed, always outrunning the needs and context of engagement. Yet, since urban population growth and urban demands on state resources have also increased, professionals at the top have tolerated village justice systems as a catchment for problems, large and small, mature and embryonic.

Village consumers (and their advocates) understand their law process as a legal level or compartment reinforced by strands of professional authority from distant urban places, strands extended and strands removed or broken.

Policymakers fail to understand village justice as a component of their own justice system. They view village process as

a separate reality from which they with lesser or greater capacity remove cases to be dealt with in the thoroughgoing process that they know to be the "real" justice system, real justice being a process of adversary justice leading to treatment or corrections.

Professional operatives in town understand the relevance of matters left to village justice. But, for them, these matters are simply problems happily left outside of the realm of their own professional caseload.

"Progressive villages" or "villages which handle their own problems" are admired by town-based professionals out of relief more than out of respect (Nix and Timbers interviews, 1973). Yet few would not concur that real justice as delivered would not be preferable if it could flood the villages.

What professionals fail to perceive is that the interplay of state and village justice must be nurtured and adapted to survive. For villagers engagement of the systems is an historical fact. They have sought collaboration on terms reflective of the stronger aspects of the village justice process and those of the state. This implies shared control of the process from both ends. It implies adaptation of roles and services in some cases, but also often implies a level of quality of services sufficient to meet purported state standards only. Most importantly, it reflects a recognition that village justice does not and has never operated in isolation of state legal practice.

State action, both affirmative and negative, and state inac-

tion all have their end result in strengthening or weakening village legal process (See Conn, 1975).

For example, when villages complained to Alaska Federation of Natives that offenders returned home to their villages on the next plane after their arrest and before victims returned from hospitals, they communicated a concern about state justice which not only reflected their perception of its activity but one that suggested that the offender's rapid return affected ongoing collaboration (See McKenzie, 1975). Defendants had been released on their own recognizance because each enjoyed a constitutional right to bail. They may have returned with restrictions placed on drinking and use of firearms, but these restrictions were not communicated. Even when the chief justice issued a memorandum asking that restrictions be explained, field operatives were uncertain as to whom to communicate this information. Villagers were uncertain as to who was to react to this information on behalf of the state.

Of more relevance, a survey conducted by researchers and troopers in 55 villages in 1977 revealed that on the average it took three days for the troopers to respond to a request for assistance (Angell, 1981). The head of the Department of Public Safety, when confronted with this data, suggested that trooper involvement in the survey had caused village officials to minimize the actual length of time necessary to respond. He suggested that seven days was a more likely figure (Nix interview, 1977).

Inadequate trooper response even after villagers have

attempted (on the field operative's instructions) to deal with less serious problems, destroys the credibility of village law within its own realm. That credibility is, in part, state determined.

What then are the means to create a working process? Researchers, as will be discussed, have attempted to induce the professional bureaucracies to allocate authority for incorporating innovative practices of villages which would establish preventative conciliatory processes rooted in more than 50 years of experience. On the other end, correctional practices as rooted in village life as in correctional ideology would also be addressed. These include diversion, community-based corrections, volunteers, and mutual reconciliation with compensation to victims (Conn, 1976). They have recorded and viewed practices which, if supported by the state bureaucracies, would enhance and sustain their service in the bush, even if resources were limited in that place and shift authority to villages at critical stages of the process.

A working justice process has been the objective of the researchers and, they believe, the village.

Yet does this global objective translate readily into compartmental ideological and administrative considerations of separate justice agencies? Can it be achieved if the idealized picture is a fully articulated western justice system, capable of providing checks and balances, capable of providing due process and law enforcement typical of urban Alaska and urban America?

As described, the state's perspective was urban and white oriented in its ideal conception of a structure of law for Alaska. Its allocation of resources throughout urban Alaska and small white town Alaska reflected this goal.[7] As stated, the judicial system brought into being by Alaska's constitution was centralized as were the Department of Law, the Public Defender Agency and Division of Corrections.

The only bureaucracy whose constituency and whose strength could be said to be in bush as well as urban centers was the Alaska State Troopers. There was a real advantage in the Department of Public Safety's capacity to claim as its jurisdiction the unorganized borough that contained Northern, Western and Southwestern Alaska. For other bureaucracies, whose claim to legislative resources was built upon case load and processing, the bush and its problems were perceived as a drain upon institutional resources.

Professional Mandates - The Institutional Perspective

The administrator of the court system is said to have referred to bush Alaska as a "can of worms." His initial visit to rural Alaska confirmed this impression. Implantation of a centralized judicial system in farflung town and village Alaska was problematic. Costs were high. Discovery of persons to fill positions was difficult.

After the state constitution went into effect, the only official judicial activity tolerated was through court personnel. Towns and villages without judges or magistrates could not officially appoint a judge or employ a council as court (Alaska State

Constitution Art. 4 Sec 1, 1959).

From an administrator's perspective allocation of judicial resources presented several problems:

(1) dangers of autonomy borne from distance, lack of supervision and lack of indoctrination into Western legal perspective;

(2) dangers of community influence on decisions made appropriate to resolution in terms of higher law; and

(3) problems of management and supervision.

Village magistrate activity displaced judicial activity if cases were heard by magistrates at defendant's request. It was not easily controlled.

Magistrates were appointed by presiding superior court judges of judicial districts who jealously guarded their authority from intrusions by central administration. The court's magistrate supervisor lacked the power to hire and fire magistrates as did villages affected.[8]

Yet for all of these problems, bush magistrates (along with village police) comprised the lion's share of Native participation in the justice system. With a single exception, there are no Native judges or high administrators in any state justice bureaucracy (Alaska State Court System, 1981).

Bush field operatives - town district attorneys, troopers, public defenders, corrections officers, representatives of the discrete and often competing legal bureaucracies - were charged with what are basically very similar mandates but ones which vary

with policy makers or administrators.

From their town or city base, each was to cover an array of requests for village assistance generated both by the formal system and the extralegal system with their limited resources. To respond in every case was empirically impossible. What was especially avoided was a social flare-up in the urban press which cast aspersions on a justice bureaucracy and affected, in turn, its capacity to generate life giving appropriations.[9]

On what terms then could reforms of bush justice be made? Perspectives and interpretations of "improvement" vary as one isolates interested constituencies. Along with institutional perspectives are ideological commitments.

A Western ideological perspective is one way of viewing the process. Briefly put, rural Alaska Natives as Alaska citizens are denied due process of law. The uneven quality and presence or absence of representational and judicial services denies them opportunities to defend themselves or argue cases before the courts.[10] The uneven quality or presence or absence of police services denies them protection of the state laws.[11]

From a cultural perspective, Natives have been miseducated as to the Western legal process as it has been presented and experienced over time. They have also been encouraged to participate in an extra-legal hybrid system which prepares them to make mistakes as each confronts representatives of Western legal authority.

The professional bureaucratic perspective emphasizes supervision and control from higher levels to lower levels. It is difficult if not impossible to establish a system of justice in smaller Native communities satisfactory to this objective.

The Village Perspective

The village perspective seems to be a desire for control sufficient to deal with matters early and efficiently and to employ the professional justice system for support when necessary.

The Canadian working group addresses its task through a process of research leading to discovery of areas where conflicting Anglo-American values and Eskimo values in substantive law will result in bitterness and anger among client populations (IEAUS, 1981).

Yet since the letter of the law formed out of statute and case law is essentially reinterpreted through direct explanations, acts, or inaction by professional operatives in rural Alaska, the message of the law as written is in fact only a portion of the whole process of legal experience for rural residents.

At times the law is less burdensome than its impact in bureaucratic implementation. Several examples will illustrate this.

The Due Process Perspective

Even when policymakers have been less than convinced that values inherent in Native culture or past experience with

"traditional" council have ill-prepared Natives to cope with the Anglo-American adversary process, there is some general acceptance by the system that language barriers may prevent Native defendants from playing their role in a criminal process (Conn and Hippler, 1973).

Do defendants, for example, make knowing and voluntary waivers of rights? Do they perceive the difference between feeling guilty and being legally guilty?

As researchers we traced this problem by comparing rural court process against American Bar Association standards (Conn, 1974), and by describing how council experience of confession ill prepared Native participants to allow the state to undertake its burden of proof (Conn and Hippler, 1973). We learned and reported that even Native court personnel asked defendants whether police complaints were "true" in Yupik and Inuit (Conn, 1974b).

Court decisions and training sessions have addressed due process. So has legal education. Yet due process in Western terms has been stillborn as Western law has been extended into rural Alaska.

The Alaska Supreme Court took up an appeal by a public defender in Bethel and concurred with his argument that a Native defendant had not made a knowing and voluntary waiver of his right to an attorney when it was established that his knowledge of the English language disabled him at arraignment. The state argued (to no avail) that he had appeared previously and was

known to the Eskimo speaking magistrate ((Gregory v. State, 1976).

The court explicitly recognized the impact of traditional bush justice practice on the problem and called on the court administrator to "develop bilingual explanations of basic rights."[11a] A year-long project resulted with a skilled Yupik linguist working with three trainees and a Bethel judge. Interpreters were trained in Anglo-American law so that a legal vocabulary could be developed along with standard instructions for defendants and juries.

The net result of this effort has been negligible. The trainees were trained and forgotten. In Bethel, Native court personnel viewed the trainees with some jealousy. As personnel spoke Yupik, trainees were not needed there. It was said that they were trained in some but not all dialects of Yupik Eskimos. Since juries were drawn from English-speaking Eskimos, easily obtainable from the 15-mile radius of villages surrounding the town of Bethel, the instructions were not used.

The court system did not bring the trainees into urban Alaska where jailed Natives who spoke some English were said to be used as interpreters. It did not publicize their existence, and bureaucratically, the interpreters were forgotten.

Magistrates as Guardians of Due Process

The court looks to magistrates and Native court personnel for interpretation of meaning and values underlying instructions in

Native languages. The author was called into magistrate sessions in the early 70's. He prepared instructions which deviated from the magistrate handbook, ones that sought to distinguish between legal guilt and "feeling guilty" (Conn, 1972). His assumption was that paraprofessionals understood the difference and were prepared to educate village defendants. They needed only a useful means of explanation.

When he completed his presentation, he was told by the then Eskimo district court judge, "You are teaching the Eskimos how to lie." On further consideration of the context of these instructions in small villages, the Eskimo judge was probably right.

While meaningful client waivers were unlikely, the court was satisfied if attorneys were appointed for defendants at arraignment. This occurred in towns but rarely occurred in village settings where defendants waived both their right to a hearing before a lawyer-judge (in town) and pled guilty, leaving it to the Native magistrate to ameliorate the situation (as before the village council).

The ideological logic of the Western system can be as lost to Native paraprofessional judges as it is to their clients. It may be, however, that the logic of experience, which suggests that one bows to ultimate white legal authority (unless a public defender is placed by one's side) and hopes for the best is correct.

The Native magistrate's capacity to try cases, to advise clients and to reject overtures by police who might attempt to

influence the justice process has been a matter of ongoing bureaucratic concern by the state court system in the past 10 years. Two advisory committees of lawyers headed by the chief justice mulled over the problems of that component (Second Magistrate Advisory Committee, 1979). Of primary concern was the challenge of authorizing persons with lay education to adjudicate cases in villages ill-equipped to sustain a judicial officer. That is, magistrates lacked proper "facilities" (courtrooms and jails) and support from police regularly hired. Finally, no magistrate outside of towns could be justified in terms of his caseload.

We researchers pointed out that magistrates displaced but did not actually replace village justice systems in Eskimo villages. We and Native organizations advocated and tested variant forms of dispute adjustment more reflective of small villages' needs and capacities ranging from mediation panels which might operate alongside a fining or adjudicative authority to councils or boards vested with the limited judicial authority which the magistrate possessed (See Case, 1977).

No Court System Alternates

What alternative could the court offer? As will be discussed, the court system toyed with the concept of alternative forms of dispute adjustment, following the first bush justice conference, but then rejected it explicitly as a court function (Second Magistrates Advisory Committee, 1979: 19).[11b]

Researchers pointed out that these lay judges were poorly

trained in Western law and operated in isolation of Western justice systems. The court responded by upgrading its internal training program. Yet what they could not create through training was the direct experience of adjudication or court business. Public defenders, if drawn into a case, sought hearings before professional judges. Few consumers or professionals went to village magistrate court with requests that the cases be tried there (Timbers Interview, 1973).

Urban magistrates were useful to Urban Alaska for traffic cases and bail hearings. Non-Native and lawyer magistrates were apparently familiar with approaches of traditional legal seminars and correspondence programs and usually were busy in their positions. Town magistrates, Native and non-Native, learned through their ongoing association with judges and lawyers.

Village magistrates remained as figures who accepted guilty pleas, a constitutional embarrassment. Village lay judges were an embarrassment to be suffered in silence by a state court system which prided itself on the quality of its judicial product. California had rejected lay judges in cases which could result in jail when lawyers were available (Gordon v. Justice Ct, 1974). The U.S. Supreme Court had accepted them providing that (as in Alaska) defendants could choose hearings before lawyer-judges (North v. Russell, 1976).

The chief justice recognized that this choice was no significant choice at all. To opt for professional justice meant that the party or parties would need to move to town or that the court

would need to move to the village.

What alternative was available for cases where parties simply wished fast, efficient disposition of their cases?

The court's second magistrate advisory committee considered but then rejected ideas such as (1) village magistrates would accept guilty pleas only, (2) that representation would be afforded in each village case; or (3) that magistrates' cases would be subjected to special ongoing review (Second Magistrate Advisory Committee, 1978).

While the magistrate supervisor and training judges made frequent visits to village locations, and cassette recordings of cases were made and transmitted to Anchorage, neither solution allowed for the normal monitoring of court conduct by informed consumers or professional advocates.

From an administrative point of view, the 28-odd Native magistrates represented a needless drain on resources. The administrators argued that magistrates did not generate caseloads sufficient to be in every village or even in those villages previously selected for magistrate posts. People did not bring many complaints to magistrates.

More importantly, most villages lacked facilities and all lacked attorneys. Thus they pressed for these prerequisites to placement of further magistrates. These criteria, it was suggested, would automatically bar placement in most Native villages. The criteria were adopted by the committee as advisory

as advisory and not mandatory (Committee, 1979:2). Unofficially accepted by the court administration, their application since 1977 has resulted in no new magistrate posts in 112 Native villages without courts and in removal of five former posts since the committee issued its recommendations in 1979.[12]

To remove magistrates would leave what alternative? The court system has adamantly refused to recognize village council justice as an acceptable component of the process. It ignored a suggestion by researchers that councils act as lay assessors at the sentencing phase (Committee, 1978).

What else could be suggested? The presiding judge of the Fairbanks court suggested that superior court judges, freed from urban court calendars, be assigned to regular village circuits. The circuit proposal was drawn from some limited understanding of the Canadian scheme of judicial service (See Morrow, 1974). Yet what committee members failed to understand, was that the "flying courts" of Canada dealt with a tiny percentage of cases left unhandled by justices of the peace in most settlements. Maps were drawn for the circuits and the idea found its way into the committee's final recommendations. There it disappeared with other recommendations, never to reappear on budgetary requests and never to be adopted by the State Supreme Court. (But see Footnote 20A.)

The Canadian scheme did not speak to the issue which the court administrators so desired to define out of existence. On what terms would the state provide officially for the daily busi-

ness of law in small villages?

What the court has left in place by near-inaction is a limited allocation of magistrates in 28 of 140 villages, officially prepared to adjudicate cases, but in fact capable of and positioned only to turn arrests into guilty pleas.

Due process was not being afforded on Western terms to small villages. Most villages were left to their own devices.

Yet, magistrates could at least be said to be Natives, and trained to be judges. If they, in turn, mitigated guilty pleas by sentencing lightly, or bent to community pressure, perhaps they could be blamed or praised but the court system could not be criticized for lacking Native participation. Serious cases would, after all, be drawn into town courts.

It is little wonder that this system reinforces longer term experience with councils and state troopers. It communicates to individual villagers that, defendants' rights aside, the best course of action for villagers is to plead guilty and depend upon the good graces of legal authority.[13]

Experience speaks louder than the community legal education, recommended by the court and proffered through lectures, textbooks and movies (See e.g., Barthel et al, 1977 and McKenzie, 1976b).

Notice and Due Process

The concept of notice so critical to mobilization or manipulation of our legal process has been addressed by the courts.

In a civil appeal, the state supreme court decided that, in the face of persistent default judgments against rural Alaskans to claims filed in urban district courts, simplified answer forms had to be developed. These were to allow both a change of venue to a rural district court and an opportunity to answer claims there based on virtually any rationale for non-payment (Aguchak v. Montgomery Ward, 1974).

In this case, the plaintiffs were residents of a village near Bethel who spoke Yupik.

The resultant form developed by a court clerk was every bit as confusing as its predecessor. No Yupik language component was added. At best it was hoped that the form would be taken to an English speaking person in the village or in town and that events would propel defendants to a legal services attorney who would request a change of venue.

Attorneys for creditors denounced the opinion as making less likely the extension of credit to rural consumers by urban merchants. In fact, the opinion has done little more than strengthen the bargaining position of defendants' attorney in rural towns if and when he is apprised of the action.

Juries - as educational vehicles and components of due process

Jury participation by rural residents in rural cases has been viewed by the court as educating rural residents to Western law, inducing participation necessary to protect rural defendants, and granting them direct participation in the legal process.

Yet, this constitutional right of judgment by a jury of one's rural peers, (Alvarado v. State, 1971), has had the impact envisioned only as it comports with other bureaucratic considerations. Chief among these is the price of taking a trial to a rural location. The cost of the move and assessment of the availability of facilities suitable for housing and feeding the court and its entourage (as determined by the district's court administrator and presiding judge of the superior court in the district) are held up as appropriate counterweights to a request for jury trial in a rural location.

How then are rural juries impaneled? In town locations, where a district attorney resides, both grand and petit juries of rural persons are commonplace. But here again, the geographic scope of selection narrows the choice to persons living in the town or in villages near to it (See Tuqateek v. State, 1981).

It is not surprising that traditional Yupik-speaking persons, for example, do not serve on juries. And, younger Native juries refuse to convict town bootleggers even in the face of outcries from villages impacted by illicit liquor supply.

In urban Anchorage or Fairbanks, requests for rural jurors are met by drawing rural persons into the city to stay in the Holiday Inn. Urban Alaska grand juries continue to indict Aleutian Islanders who may live hundreds of miles away for felonies. Court and advocacy professionals move little if at all into village Alaska.[14]

Lies in the Name of "Culture Sensitivity"

As an official matter, there has been far less enthusiasm for mounting a system of law based on cultural pluralism than in other colonial situations.

It is not in the American tradition, we have been led to believe, to allow separate justice systems in a single state to coexist.

Arthur Hippler, a former associate and now self-proclaimed Libertarian, recently wrote "Why in justice should anyone in an urban place be required to subsidize a lifestyle in the bush which avoids urban difficulties, but demands urban levels of service?"[15]

His statement may reflect typical white urban opinion, but it certainly does not reflect village desires.

The record shows persistent attempts by villagers to construct their own system as a component of the state process. Rather than sustain this effort with an eye (for reasons cultural or economic) to adaptation to village needs, government officials charged that friends of Alaska Natives were attempting to make their own system two systems, one for city and town and one for villages.

Village Ordinances

Villages have requested assistance in the drafting of their own town statutes. They realize that some skilled professional advice is necessary in order to make the laws enforceable within

the state system and to allow them to meet local problems with remedies and reasonable sanctions.

When ordinances have been sent to Juneau to an agency constitutionally obligated to help towns and villages, they have been filed away without comment.[16] Villages have been left in a legal never-never land as troopers and state officials refuse to apply village ordinances. Even village magistrates scorn village ordinances.

No single area of village lawmaking has suffered more from this inability to discover and frame ordinances capable of support and reinforcement than the realm of alcohol control. This can be of little surprise when one realizes that until 1953 Alaska law prohibited the sale to or purchase of liquor by Alaska Natives. With its repeal and the coming of statehood, in 1959, village councils discovered that their own bans on possession of liquor in villages were not officially lawful (Conn, 1981b). In the early 1970's public and private drunkenness statutes were decriminalized. While towns responded with vigorous law enforcement under the guise of "protective custody," villages lacked this option. What had occurred was the removal of territorial and later state legal support for preventative actions which villages were capable of carrying out to anticipate and avoid liquor related violence.

Villagers were told to turn back to "the old ways" and draw upon a village consensus on possession backed by village law. But the "old ways" were formed out of a coalition of white and

Native authority. The "old way" did not contend with prepaid orders by telephone, improved air and land transport and wage opportunities of a younger generation as demanding of their official legal rights as other Alaskans.

In response to this breakdown, villagers looked for support from each "legal expert" who flew in. Few visitors were prepared to discuss legal options available when prohibition was not. Most took the path of least resistance and gave verbal support to searches at the airport and other village remedies. It was, after all, "their village."

In 1981 the Alaska legislature passed a bill which allowed villages to prohibit transport or possession of liquor into their villages (Alaska Legal Services Corp, 1981). Five villages immediately made plans for elections. Yet the bill is unconstitutional on its face. Alaska has established that even personal use of marijuana in one's home is protected by a "right to privacy" (Ravin v. State, 1975). The alcohol law will stand until someone sues. And, of course, some person, Native or non-Native, residing in a Native village, will sue. Social control is not ultimate control in modern village Alaska.

So villages have been given what they want in lieu of developing schemes (through Federal Indian law or through zoning) capable of withstanding legal challenge. Would such a bill have been proffered to a white community? I doubt it.

The bill reflects the constant message of a justice system prepared only to withdraw authority of Natives and replace it

with a system of laws and personnel which cannot but fail to reliably address village problems.

Bush Justice Research - Premises and Examples

Two early premises suggest the direction of social science and law research conducted in Alaska. This research generated proposals, reports and field experimentation in several realms. Two of these realms will be discussed: the development of para-legal training and the development of the problem boards.

We offered to "define for policymakers" "the substance of cultural variation and norm differentiation that has direct implication for (1) the operation of the legal system and (2) for the training of members of other cultures in Anglo-American law and procedure in old roles as well as new ones," and "new methods of dispute resolutions and new job categories in law that might be formally adopted in order to provide improved access and participation in legal procedures by Alaskan Natives" (Conn, 1973).

Put another way, we perceived ourselves as academic legal culture brokers, prepared to make comprehensible, practical adjustments to both the village and state sides of the justice system.

Our primary target was not a law process as measured by either ideological Western considerations or perceived Native law ways, but what we viewed to be an amalgam of both systems with adjustments necessary on both sides.

Our focus was on the bottom of the system. Our goal was to

to improve the daily operation of law as reflected in perceived village needs by developing methods for enhanced interaction between state and village processes as we had come to understand them. These methods were to be sustainable and acceptable to village consumers and justice policymakers and field operatives.

Paralegals

Paralegals in this context took on special importance. Unlike the new, urban private law legal assistants who have evolved into a discrete professional category by taking upon themselves a variety of lawyer's tasks, we viewed rural paralegals as capable of performing activities not then undertaken by either professionals or members of the village justice systems (Conn and Hippler, 1973; Conn, 1974).

The first was to combine town and village justice. By moving out from the town to villages where crimes had occurred, the rural paralegal would investigate and report back to the professional those social facts (as well as legal facts) overlooked by police. The police report had almost exclusive bearing on legal decisions, such as bail, screening, charges, case organization and disposition. No longer would the professional have to depend on a police report or on conventional wisdom among field professionals to evaluate his case with an eye toward its impact on the real community affected.

For the Native consumers and village law, the paralegal would explain town legal process and often provide a comprehensive analysis to villagers of the advantages and disadvantages of par-

ticipation in it.

We chose paralegals as legal culture brokers in the field for several reasons. There was little or no chance of Native Alaskans from villages rising to the positions of professional operative. Native lawyers were and are in short supply.[17] A paralegal's appreciation of the underlying logic of both village and state systems through education and experience was more certain.

Our attempts to educate legal professionals in the anthropological underpinnings of Native law ways had resulted at best in stereotyping inappropriate to the variety of relationships which actually existed, and, at worst in casual rejection of these matters (See Conn, 1972b). Their own case management dominated their considerations.

Paralegals well trained in Anglo-American law and capable of understanding its connection with village process could be influential if not powerful in the professional decision-making process. It should be added that at least in the case of one critical bureaucracy, the Division of Corrections, two Native correctional aides carried out independently the work of that department in juvenile disposition, and probation and parole in rural Alaska.[17a]

Thus, we were not playing upon desires of departments to increase the cultural sensitivity of their operatives in rural Alaska so much as we were providing a way for them to carry out their activity in a far superior, efficient manner from the

standpoint of their bureaucracy. We could argue the cost-effectiveness of our reform on man hours spent in village travel to even the most bigoted and indifferent agency chief.

A second paralegal role was developed for villages. As we put it in an early paper of this village resident:

> He would be aware, as non-Native professionals often are not, that the introduction of a dispute into a court system is a belated choice in a sequence of informal and formal opportunities for dispute resolution. To the extent that this fundamental culture blindness by professionals has bypassed informal opportunities for dispute resolution, the Native paralegal might help to encourage a renewal of such informal procedures. These procedures can become a valuable tool in Alaskan rural justice, not because they are romantically tied to a cultural heritage, but because they have worked in the past to alleviate disputes, and can be made to work in the future. Thus, we perceive a Native paralegal as a pragmatist who would not compromise his clients' interests for the sake of procedure, whether formal or informal. He would be able to relate his role, for example, to conciliation between disputants as well as to the prerequisites for adversarial representation. (Conn, 1973)

The paralegal we envisioned would work with villagers to assess conflicts, to assess their appropriate sequence in the chain of legal process and, finally, to assess where and at what cost the most appropriate remedy lay within the process. He would also direct problems back into the village justice process when appropriate and draw in support for such a solution.

Our belief in village paralegals stemmed from several considerations. First, we had recognized and reported on the dependence of the rural justice process upon paralegals in a variety of village roles (Conn and Hippler, 1973). Second, we were con-

vinced that the state legal process would not be introduced in village Alaska with any balanced concern for the integrity of either the Western process or understanding of the village law process, its strengths and its weaknesses. We perceived that, at best, state justice agencies would make village connections with a magistrate and a policeman. The screening function so essential to the integrity of both systems, carried on previously by the council, or left to a village policeman would be ignored or left to chance (Conn, 1975). Professionalization would increase the tendency to intervene in village matters without concern for the propriety of that intervention on the single dispute or on the village law process.

I set the village paralegal within a model system which contained a problem board for conciliation, a magistrate for adjudication, a policman and a correctional aide. Thus each component of the system would have its own contact point. But more than this villages (or clusters of villages where appropriate) would have at their service a system with a complete range of alternatives linked in turn to town professionals. (Conn, 1974).

My scheme was of course a dream scheme. It required some collaboration between agencies to be accomplished. Agencies were prepared to work on their own behalf, but quick to charge failures to other agencies which were inoperative. The agency with least interest in rural justice at any level was the Division of Corrections. As we shall see, this indifference and inaction made a village law system or even vigorous intervention of other justice agencies unworkable, unadaptable and dangerous.

Projects Accomplished and Their Bureaucratic Response

In the years that followed we were able to test the proposition of the town based paralegal who worked for either a district attorney or public defender. A training-tutorial mechanism was established in both Nome and Bethel.

Bush professionals, especially prosecutors, remarked that their professional collaboration with villages were enhanced. Trainees became serious members of the rural process.

Yet in this instance as in many others where plans proposed or actually implemented at the town and village level received strong support from field professionals and village residents alike, reaction from urban bureaucracies was indifferent or hostile.

LEAA representatives from Seattle questioned the use of $100,000 to underwrite the establishment of regional training programs whose end result was apparently four new professionals. Their concern was sufficient to induce the state Criminal Justice Planning Agency in Juneau to ignore the project. CJPA allowed it to lapse without evaluation.

The state attorney general had promised in writing to budget permanent positions for successful trainees. He attempted to renege on his promise. Only the threat of newspaper exposure by the Bethel trainee saved his job. He was and is the only Native member of the rural Department of Law.

A paralegal trainee with the Public Defender Agency also

received high marks. Yet when the agency was in need of a second town attorney, she was encouraged to resign. She became a magistrate.

More problems loomed on the horizon. The Alaska Division of Personnel unilaterally defined paralegal positions and established testing procedures. No provision was made for job requirements (including language competence). The district attorney's paralegal failed the test on several occasions.

Village Paralegals

The Alaska Legal Services Corporation established paralegal positions in Native villages on Alaska's North Slope. These trainees were educated to discover and investigate Western law problems and to channel cases into the state process and back into the village realm. One case discovered and investigated by a village paralegal should shortly put to the test the impact of correctional activity in village Alaska (see Neakok v. Division of Corrections, 1981, described below).

Yet, when Alaska Federation of Natives funding from its CETA program disappeared, the village paralegals lost their positions, becoming others in a long line of Native men and women "trained into oblivion."

The Problem Board Experiment

The problem board experiment was grounded in careful study of the village council process both historical and contemporary throughout the 75 villages which comprise Eskimo Alaska. Assessment of village councils through study of their records and

on the scene investigations led to our proposal to the court to test the proposition that a non-adversarial mediation panel could be established in villages. It would deal with matters then deemed inappropriate for either modern councils engaged in fining and jailing extralegally or magistrates (Conn and Hippler, 1974). In association with the Eskimo village of Emmonak we worked on the process. It was in fact a process of rediscovery since Emmonak had only recently delegated its dispute adjustment to village police and a magistrate. The state had provided these Western law figures with a portable "holding facility" (jail).

The council had been able to drop its role as fining and jailing council. They had done this with some relief.

Yet villagers recognized that an element of the earlier process was missing. The magistrate spoke of the family counseling she was called upon to undertake. She desired something like the old council to take up this activity. Problems with juveniles and other problems not clearly legal were mentioned. These were reflective of disputes heard by the village council.

With the village we devised what we called conciliation boards (drawing upon literature on village complaint boards in Ceylon). Villagers changed the name to problem boards. Villagers selected persons capable of problem solving, young and old, all Yupik speaking. They rejected the village priest when he volunteered.

The researchers determined that voluntary conciliation under

Alaska law could be used as an alternative to prosecution for misdemeanors in most cases. They emphasized that the board would not and could not fine or jail persons. This would be left up to the magistrate (Conn and Hippler, 1974).

The village developed the concept on its own. We had anticipated that matters would flow naturally from police to the magistrate and then be diverted by her to the problem board. In fact, what occurred was that matters moved independently to the board directly (Conn and Hippler, 1975).

The problem board during its test phase dealt with matters which did not have clear legal remedies. These often involved situations involving alcohol which, if left uncounseled, were expected to result in violence.

For example, the board counseled A who gave liquor to B, causing family chaos. It counseled C who teased D for using welfare money to play bingo. When E, a teacher aide, kicked F, a student, it drew E and G (his parent) together to work out a compromise. It dealt with difficult family problems involving drinking, wife beating and child abuse. Juvenile matters were often considered.

In the main, it anticipated violence. It had no power to fine or jail but could refer (and be referred) cases to and from the magistrate and the police.

When the model became an experimental "program" within the court system, the court personnel in charge selected villages

with little concern for forming relationships with entities capable of employing punitive sanctions. Only at the specific request of the researchers was the test village included.

In one region, the Eskimo district court judge situated in the nearest town was overtly interested in the project. In a second region a college-trained presiding Eskimo magistrate was overtly hostile, concerned only about his own station.

While the problem board provided a mechanism for Native language speakers of all educational backgrounds to participate, only some villages were given to understand that one's skills at negotiation and conciliation and not youth and education were primary criteria.

Court personnel did not feel comfortable with village experience at dispute adjustment. They held a workshop for problem board members at an urban resort and had members of the American Arbitration Association employ models of conciliation drawn from labor, prison and other urban settings to teach the Eskimos how to do their job.

Board members were paid ten dollars per sitting, devaluing their job in the eyes of other members of the village legal system.

Test villages grafted the board into their processes with varying degrees of success. In village X near Bethel the board found a niche between the police and now-fining and jailing council. However, cases were screened by the village policeman for

appropriate disposition (Conn, 1975).17b

After two years the court hired an attorney and anthropologist to evaluate the boards. Although the report was favorable to those boards which had been active, it stressed the limited number of matters heard (Marguez and Serdahely, 1977).

The court's response was to end its association with the experiment based on the limited number of cases taken to problem boards. From its perspective, the boards had failed because they had not replaced either magistrates or extra-legal councils which fined or jailed when magistrates or outside assistance was not available. They were never intended to do this.

Although the court disassociated itself from the project, a 55 village survey two years later discovered three of the six problem boards established were still in operation (Angell, 1979).

What do these experiments suggest about rural justice? It would appear that no experiment, however well attuned to village need or cultural values, however well-received by villagers and however useful to the entire legal process and limited resources will succeed without a political commitment as yet unattained in Alaska.

The court system refused until 1975 to establish a superior court in the town of Bethel. Only when the Judicial Council advocated establishment of independent judicial districts in rural Alaska, did the court establish service areas for Bethel

and Barrow. It had argued that few cases merited fulltime professional service in Bethel. Today there are two fulltime district attorneys and two public defenders. No one argues that there is no business for the Bethel court and the 57 villages within its domain.

Subsistence

Mobilization of legal resources to fight for a change in the legal structure have occurred in one instance. Alaska Natives generated tremendous lobbying force when the enforcement arm of the Department of Fish and Game began to threaten traditional hunting and fishing activities.

With the assistance of urban action groups, rural Alaskans fought for and achieved a separate state department for subsistence and an amendment in state law which gave preferential rights to subsistence activities (Feldman, in press). An attempt to establish regional fish and game boards though introduced by the Governor failed. The backlash from urban sportsmen has been tremendous. Nonetheless as an exercise in reform of rural justice, the press for change in the pattern and content of law in this realm is instructive.

As one expert put it, Alaska Natives now have their own seat at the table, a piece of the state bureaucracy prepared to press for their own preferences in development of fish and game policy. (Smith, 1981)

The North Slope Borough

The state constitution provides that the unorganized borough may be subdivided into organized boroughs (Alaska State Constitution, Art. 10, Sec. 3, 1959). The 7,000 person North Slope Eskimo population in the mid-1970's laid claim on oil revenues through a property tax by enclosing nine villages into a borough. It also used revenues from oil to establish governmental services.

The villagers gave over their police powers to the borough as it established a North Slope Borough Police Department.

It had been envisioned by planners that these police would be "different" from either troopers or village constables. Each would be trained to be all-purpose employees capable of fire fighting, first aid and other tasks along with policework. This same proposal to turn police into village public service officers has been renewed in 1981 by the Department of Public Safety as it begins to train and fund village police.

On the North Slope, the proposal to reform the police was never accomplished. Legions of white police from "the Lower 48" were recruited and continue to be recruited by the Department. Few Natives volunteer for service (Angell, 1977).

While it was envisioned that locally funded professional police would induce the state to collaborate with additional professional services, at least in the town of Barrow, such has not been the case.

The Department of Public Safety withdrew its single trooper during the "transitional period." The Division of Corrections withdrew its correctional aide. The court remodeled the court but left a single magistrate in place for nine villages. The Department of Law and state Public Defender Office continued to make periodic trips to Barrow as did the superior court. As cases were dismissed for lack of prosecution, police came to pick up persons on lesser offenses and non-offenses such as protective custody. Juveniles detained were removed to Fairbanks and Anchorage as had always been the case.

A six-fold increase in arrests reflected the change from underpolicing to what could be termed overpolicing (Boedeker, 1981). Permanent officers were stationed in each village (save one) and complements of 20 or more officers were stationed in the 2,000 person town of Barrow. Village councils did not participate in what was now borough police business. American justice (or at least police) had arrived in one part of village Alaska.

A Footnote on Corrections

As researchers of village law, no area of problems and opportunity was delineated with greater clarity than that of correctional activity. Village legal process is, in Western terms, very much oriented to correctional alternatives. Its mainstay has been historically to move from problems to focus on repair of relationships among village people, young and old (Conn and Hippler, 1973; Conn, 1976).

Yet it is in this same area where the state has shown its

greatest indifference. As in the previous decade, corrections officers deal with problems of juveniles and adults at more than arms' length, preferring to to transmit the problems to towns and cities for disposition then return them to the village. Few attempts are made at forming lines of communication or support with villages.

At times the end result has been tragic. In a case now pending in superior court (Neakok, et al v. Division of Corrections, et al, 1981), the Division of Corrections is being sued for negligence.

Jacob B was convicted for the violent assault and rape of a resident of a ninety-person Arctic village. Alcohol was involved and treatment was recommended.

His sentencing report disclosed several other violent and unreported rapes while drinking. This information was made public as his attorney challenged its use in an appeal to the supreme court. While incarcerated, Jacob B wrote to his trial judge pleading for treatment as an alcoholic prior to his release. A state supreme court case had mandated treatment by the Division of Corrections for persons convicted of crime associated with serious alcohol abuse. Jaco B was paroled without treatment to his home village.

His corrections officer had never visited the village. He did not know that the village had no police officer or alcohol treatment program. As there was no other person that the corrections officer could trust to report on Jacob's conduct, he had

the parolee fill out and mail in forms every month to ascertain that all was well and that Jacob was still in the village.

After six months Jacob began drinking. He killed a child, a woman and a man. He was returned to Fairbanks for a new trial.

Will the suit induce reform of the correctional system and some collaboration with village Alaska or will it induce the Parole Board to hold Native offenders in jail or in large cities? The latter, given the record of ten years, seems more likely.

When the second magistrate advisory committee noted the impact on judicial activity of correctional inaction and suggested that magistrates might serve as probation aides, the idea was scrapped as a confusion of roles.

Why is the correctional process so important? There is a second reason more dangerous as a practical matter than the first reason - that customary law process has much to offer Western correctional practice.[17c] That is a loss, but small in comparision to a more direct danger to Native people.

For as it stands, the only direction the state legal process will go is to a position of increased professionalization in the villages and more official arrests in that place. The end result of this will be more Alaska Natives in urban and (for longterm offenders) out-of-state jails.[18]

This phenomenon is already apparent in the state's juvenile process. When urban youth are "taken into custody" they are

usually dealt with through a process of what is termed informal disposition by an intake officer. As a practical matter, the intake officer calls in the mother and father or the teacher or the priest for a chat. Then he can place the youth on informal probation.

Bush young arrested by troopers disappear into the system. They are taken into a town and city of some distance from the village. The mother and father cannot be called in so easily (Lou Reese Interview, 1973). The tendency is to institutionalize the child. That means in English that juvenile facilities are filled with rural Natives. Needless to say these institutions are not staffed by Native people. Native youth are disappearing into state institutions at a rate far in excess of their numbers proportionate to the population.[19]

The Present

A 1977 study of 55 villages indicates that the carnage of village Alaska is now truly impressive with murder, rape and violent crime rates two and three times the state average and many times those of the nation (Angell, 1981).[20]

Village councils persevere in 25 percent of the sample surveyed, skewed in fact to favor villages with magistrate service (Angell, 1981). The dependence of villages upon outside police service or service of constables who act as liaisons to state troopers suggest that village control has been weakened and not strengthened.

The court system has disavowed rural trials where facilities

are inadequate to house personnel (Supreme Court rule 18-1). It has disavowed experiments with alternative forms of dispute resolution. It has not acted upon plans proposed to it to attempt circuit riding. It trained and then forgot its court interpreters (See Annual Report, Alaska State Court System, 1981).[20a]

When its developed in-house research organ inadvertently discovered that Natives in urban courts receive longer prison terms for nonviolent offenses (Alaska Judicial Council, 1979), its judges attacked the problem by bringing up to the level of Natives, non-Native's sentences and not by encouraging correctional alternatives (Alaska Judicial Council, 1980).

Magistrates placed in earlier days exist as curious anachronisms in rural villages, hearing fewer cases than councils did in their extra-legal state or even the problem boards rejected by the court (Alaska State Court System, 1981).

Paralegals trained to work with bush district attorneys and public defenders have been forced to resign by their bureaucracies even in the face of support by field personnel. The state personnel department has developed a test for such state positions which ignores language and job competence and emphasizes skills in math competence.

The Department of Public Safety has now received funds to place village police in villages along with detention systems, creating a partial Western system.[21]

The Division of Corrections has provided no new correctional

personnel to rural Alaska in ten years. Its Native correctional aides have retired. Its dubious contribution has been to make old town jails (in Bethel and Nome) over into modern town jails.

We as researchers, fascinated both with cultural pluralism and committed to research leading to reform, must search our souls and consider whether or not the fruit of our labor will result in a legal process acceptable to any standard of justice or to none at all. Those of us who are lawyers first and anthropologists second must consider whether we should steer away from research and lend our skills to law reform and political pressure and not to adaptation of the legal process and roles to fit small village situations.

Small village justice has always been a target of manipulation by outside forces. How else but through political combat in purely Western terms can indigenous people seek and obtain even partial control of their destiny?

Since police are more mobile than other components of the system, and more receptive to bush service, this means construction of law systems that would make of villages "closed institutions" with guards and cells (Goffman, 1961).

Were researchers deceived or did they allow themselves to be deceived? Were they blind to overriding political considerations that made of "cultural relevance" a convenient excuse for bureaucracies to employ unless or until they were prepared to establish a partial Western system in village Alaska, a system unacceptable by either state or village standards?

This assessment of ten years flows from a concern on my part that we who are infatuated with the opportunities for redefining a state law process to benefit an environment marked by cultural pluralism may find our work manipulated by those who underwrite it and apparently embrace it. From our global perspective should we not be impressed by the political imperatives that govern the entire process of bush justice? Chief among these is a battle for control of resources and populations which relinquishes none of that control to indigenous minorities on any terms without a fight.

In Alaska, for example, it must be asked whether state authorities want village Alaska to survive. Is it not likely that state authorities would prefer an in-migration of Natives into the cities, that each rest easily on land claims dividends in Anchorage condominiums or sell their shares in village and regional Native corporations?

Destabilization of village life may in the end be desired. Certainly the political firefight over natural resources and subsistence hunting and fishing suggests that there is a large constituency whose definition of equal justice implies equal justice for persons like us, living like us, lost among us.

Even if one does not pursue this perhaps conspiratorial line of inquiry, one must accept as a reality that despite the historical adaptation of Western law process to changing social and economic needs, that present policy makers and field operatives have been trained to believe that the systems in which they func-

tion are a kind of evolutional by-product, natural and appropriate to all places and persons within the American political domain.

Though we may have scholars and historians who decry the phenomenon, is it not the underlying message of legal development that the consumers and their problems must fit the process and not the converse (See Friedman, 1973)?

My experience in Alaska suggests that the force of legal assimilation is the dominant force and that adaptations in the name of cultural imperatives are mere pauses (or worse than this, excuses) which conceal a longer term trend.

As researchers, we in Alaska have tinkered with the system. We have listened and attempted to innovate within the system. What we have not accomplished is drawing Natives into the process as players, capable of negotiating change, possssing power and ultimately manipulating the system as co- or near- equals to other players.

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Footnotes

1 In the 566,000 square mile state of Alaska, half of the population live in towns and villages usually accessible only by river, sea or air. Within the latter rural population are 55,000 Indians, Eskimos and Aleuts who reside in about 140 villages with populations from 25 to 700 persons and 300 persons on average. Another half dozen Native towns have populations from 1,500 to 3,000 persons. "Bush justice" is the Alaskan term for legal process which affects these predominantly Native villages and towns.

2 Annotated descriptions of twenty articles, books, and papers written by Conn on rural justice appear in Donna L. Kydd, Ed., Towards A Legal Education and Information Program for Natives, Native Law Center, University of Saskatchewan, Saskatoon, Canada, 1979.

3 Offices of the state public defender and state district attorney were established in Bethel after it received a permanent superior court judgeship.

4 "During . . . (1972) the Village Policemen handled ten felony cases, 418 misdemeanors, and numerous noncriminal complaints. Seven of the felonies resulted in court action and 128 of the misdemeanors resulted in court action. One hundred and fifty-one of the misdemeanors were handled by the Village Policemen without court or Council action." (Village Police Training Annual Report, 1972, p. 1.)

As the project director described it in presenting other statistics for the year which showed court action on 63 cases and council action on 171, "[They] also illustrate a unique relationship of two branches of government within the Criminal Justice system." (W. Nix, Subgrantee Professional Report, April 11, 1972, p. 2.) The report noted, "the council has levied $1,835.00 in fines, and 38 days of jail time. In almost every case, days of work for the village satisfied council sentences."

5 Criminal Justice Planning Agency personnel discouraged training of councilmen with village police, viewing the former as inappropriate recipients of LEAA funds. The Department of Public Safety had viewed education of councilmen as necessary for village police activity to go forward. John Angell interview, 1981.

6 See, e.g. Recommendations, Second Bush Justice Conference, Minto, 1974 and Recommendations, Third Bush Justice Conference, Kenai, 1976; Alaska Judicial Council, Standards and Goals on Rural Justice, 1975.

7 Criminal Justice Planner Butch Schwartz reported that only 10.8 percent of Alaska's LEAA block grants and 11.1 of all LEAA funds directly benefited bush areas. Eighty percent of this amount went to construct five jails and to police programs. Schwartz, 1973:4. Angell (1981) reports that while small white communities are isolated for purposes of data collection in

police statistics, village Alaska is included in a catchall category. Nearly all white communities have a judicial officer.

[8] When, for example, it was discovered by Alaska Federation of Natives that the Dillingham magistrate was a racist missionary who demanded that Natives swear off drink, who persuaded them not to request an attorney and who refused to visit surrounding villages, the court could do nothing. His refusal to send in documentation of his cases also prompted no disciplinary action.

Ironically when magistrate A retired and was replaced by B, a legal services attorney, B was fired by the presiding judge for living with a mate in an unmarried state. The supreme court upheld the presiding judge.

[9] Of course differing discoveries by researchers or journalists or complaints lodged in higher courts had differing impacts on state bureaucracies.

For example, the Department of Public Safety actively supported research which discovered that violent crimes had overrun limited village and state resources. Its desire was to shift resources from urban areas (where they competed with urban police) to rural sectors. Village police were taken under the wing of the Department of Public Safety (and even funded in 1981 by them) as useful aides capable of dealing with minor drunken behavior without usurping primary police activities when major

crime occurred.

10 There are at least 112 small predominantly Native Alaskan cities (termed "Native villages") without resident state judicial officers.

11 John Angell (1981) reports that only half of about 55 villages surveyed had even a part time policeman.

11a The State Supreme Court in Gregory stated, "We also recognize that the trial court is obligated to be certain that each citizen, when involved in a criminal matter, is aware of the various rights guaranteed him by the Alaska and United States Constitution." To this was footnoted the following:

> "The Anglo-American system of justice differs substantially from the traditional Indian, Eskimo and Aleut systems, which pre-dated Western cultures by hundreds of years. The cultural difficulties experienced by many of the Alaska Natives as the contemporary Anglo-American institutions reach out to the bush communities require that the State legal system use extreme care in cases of this nature. Therefore, in those areas where a substantial portion of the populations consits of Native Alaskans, we urge the administrative office of the court system to develop bilingual explanations of basic rights for those who appear in criminal proceedings so that all citizens are clearly aware of their constitutional rights." Gregory at p. 380.

11b "Policy Regarding Alternative Processes for Local Resolution of Minor Disputes. The court should encourage villages and appropriate agencies to experiment with alternative processes for out of court resolution of minor disputes, the court should not become actively involved in selecting, implementing,

or evaluating alternative processes." Second Magistrate Advisory Committee, 1979:29.

12 In the meantime the high state court took the recommendations under consideration; they remain under consideration.

13 How deeply ingrained is this rural attitude toward law can be gleaned from another unsuccessful appellate court case. Alaska Legal Services attorneys won a decision which required a state commission to hire Native persons in an outreach program to find and register Eskimo fishermen who were eligible for limited entry permits, extremely valuable "taxi medallions" which would henceforth limit the number of commercial fishing permits in Bristol Bay. Most Native applicants would have qualified based on past use. But many did not register. They avoided or ignored the Native registrants and official requests to apply.

In a rehearing of the case (Wassillie v. Adasiak,1978), the author argued that legal literacy of Alaska Natives based on ongoing experience with trooper justice and judges who jailed had not prepared rural persons to assert legal rights, but merely to bow to authority or avoid it. The argument failed and Eskimo fishermen and their progeny, out of fear of the law, were banned forever from fishing waters commercially in their home region.

14 Angell (1981) estimates that in villages he surveyed, legal professionals, other than troopers, appeared once a year or less. His conclusions seem to be reflected in an evaluation by

village officials of state government agents. See Angell's chart reproduced as Appendix 1.

15 Anchorage Times, July 26, 1981, A-11.

16 In 1973, the Department of Law passed over protest passages of a book on formation of a second class city to be used by many villages. The book stated that councils could fine or jail persons for violation of local ordinances if the offender agrees to the punishment. See What's a Second Class City?, pp. 2-3, Cooperative Extension Service, University of Alaska in cooperation with the Department of Community and Regional Affairs, State of Alaska, 1972.

17 Further, the seven Alaska Native attorneys (among 1,300 licensed state bar members) are occupied with urban law matters and not yet attracted to law in the bush. Sanborn and Havelock, 1980:1.

17a Trooper constables, not to be confused with village constables, are positions for Natives and others which remain bush positions and do not require shifts into urban Alaska or carry with them some initial hiring requirements. However, the work responsibilities appear to be equal to troopers. The program, a kind of police paraprofessional program, appears to have attracted and held Alaska Native recruits for its 15 positions.

17B One village picked by court personnel for the experiment was convinced that its council should end its role as grievance processor with the appointment of a problem board of young adults. During the test period its board heard no matters at all. The village told Alaska Federation of Natives investigators that it needed a board capable of fining and jailing. (McKenzie, 1976b).

17C It seems that Finkler (1981) has made a similar discovery in the Canadian north.

18 Alaska Native adult males comprised 32.2 percent of the state jail population in 1980. Source: Frank Sauser, State Division of Corrections. The Native population (average age 16) comprised 16 percent of the population.

19 See Appendix 2.

20 See Appendix 3.

20A To the court system's credit, an urban Athabascan woman was appointed to a non-lawyer position on the Judicial Council as this paper was being drafted. The court also appointed a district court judge in the Bethel service area to travel from Bethel to villages where crimes had occurred (with attorneys for the defense and prosecution) to hear some cases. The first appointee broke both legs in a snow-go accident while on duty.

In the Chief Justice's opinion these examples sustain his

view that many recommendations of the Second Magistrate Advisory Committee were acted upon and implemented by the Court system. Letter from Chief Justice Jay A. Rabinowitz to Stephen Conn, August 21, 1981, on file with the author.

[21] What could be termed an inadvertent reform of potential importance has been the recent state funding of women's shelters in towns with appropriations sufficient to allow women and children to fly from villages to towns.

While Feminist expectations for these women unrealistically suggest that women and children should break loose from their home villages and familial connections and join the town or city labor market, these shelters do allow for short-term separation of family members in situations in which neither village justice nor state justice provides remedies.

Women refuse to prosecute men when they are arrested. One problem with the program is that, like the new village police program, it now sits within the Department of Public Safety. If women are persuaded that they must file criminal complaints to use the shelters, the value of shelters as havens from violence will be lost (See Conn, Barry and O'Tierney, 1979).

APPENDIX 1

PUBLIC OFFICIALS ASSESSMENTS OF
QUALITY OF JUSTICE AND SELECTED PUBLIC SERVICES

	GOOD		OK		NEEDS IMPROV.		INADE-QUATE		NO SERVICE		N.R./ DON'T KNOW	
	#	%	#	%	#	%	#	%	#	%	#	%
Village Police	7	13.7	6	11.8	20	39.2	5	9.8	13	25.5		
AST	13	25.5	12	23.5	14	27.5	10	19.6	1	2.0	1	2.0
A F & W	7	13.7	6	11.8	17	33.3	13	25.5	4	7.8	4	7.8
Magistrates	14	27.5	7	13.7	8	15.7	3	5.9	14	27.5	5	9.8
Legal Services	8	15.7	10	19.6	7	13.7	7	13.7	14	27.5	5	9.8
Prosecutor	3	5.9	11	21.6	9	17.6	5	9.8	11	21.6	12	23.5
Defense Services	4	7.8	9	17.6	3	5.9	4	7.8	20	39.2	11	21.6
Probation/Parole	8	15.7	8	15.7	7	13.7	8	15.7	12	23.5	8	15.8
Local Jail	2	3.9	3	5.9	11	21.6	9	17.9	22	43.1	4	7.8
Mental Health	4	7.8	3	5.9	6	11.8	4	7.8	29	56.9	5	9.8
Medical Services	15	29.4	11	21.6	17	33.3	4	7.8	2	3.9	2	3.9
State Jail	6	11.8	13	25.5	2	3.9	2	3.9	16	31.4	12	23.5
Educational Services	22	43.1	9	17.6	18	35.3	2	3.9	0	0	0	0
Fire	0	0	3	5.9	19	37.3	9	17.6	19	37.3	1	2.0
Welfare, Unempl.	10	19.6	16	31.4	13	25.5	6	11.8	2	3.9	4	7.8
Youth Services	0	0	1	2.0	7	13.7	13	25.5	28	54.9	2	4.0

Source: Angell, John E. (1981) Public Safety in the Justice System in Alaskan Native Villages, page 39.

APPENDIX 2

STATEWIDE JUVENILE ARREST RATE PER 100,000 INDIVIDUALS

1978 STATEWIDE COUNT

	White	Black	American Indian	Other	Total
Burglary	368	12	98	67	545
Larceny	1,361	85	304	43	1,793
Drug Abuse	419	15	57	19	510
Liquor Laws	403	3	308	183	897
All Other Offenses	230	7	67	15	319
Curfew & Loitering	173	2	32	19	226
All Crimes	3,998	149	1,300	500	5,947

1978 STATEWIDE ARREST RATE PER 100,000 INDIVIDUALS

	White	Black	American Indian	Other	Total
Burglary	245.7	212.6	951.8	275.7	286.9
Larceny	908.9	1,506.5	2,952.6	176.9	943.8
Drug Abuse	279.8	265.8	553.6	78.2	268.4
Liquor Laws	269.1	53.1	2,991.4	753.2	472.2
All Other Offenses	153.6	12.4	650.7	61.7	167.9
Curfew & Loitering	115.5	35.4	310.8	78.2	118.9
All Crimes	2,670.1	2,640.9	12,626.3	2,057.8	3,130.5
Base Population	149,735	5,642	10,297	24,297	189,970

Source: Bayley, Bruce, et al (1980) A Statistical Analysis of Discrimination in the Alaska Criminal Justice System. Vancouver, Washington: Cascade Research Center.

APPENDIX 3

COMPARISON OF ALASKA VILLAGES, ALASKA STATEWIDE, AND UNITED STATES CRIME RATES

CATEGORY OF CRIME	RATES* ALASKA VILLAGES	ALASKA STATEWIDE	UNITED STATES
Homicide	28.4	10.9	8.8
Rape	99.2	50.3	26.4
Robbery	127.6	96.5	195.8
Aggravated Assault	326.0	286.5	228.6
Burglary	936.8	1310.2	1439.4
Vehicle Theft	446.5	3272.6	2921.3
Simple Assault	354.3	783.7	446.1

*Per 100,000 population in 1977.

Source: Angell, John E. (1981) Public Safety and the Justice System in Alaskan Native Villages, page 27.

Appendices (Accessible)

Note, 23 Jan 2019: These appendices duplicate the content of the tables included in the original Appendix 1, Appendix 2, and Appendix 3, but have been formatted to make them accessible for users of screen readers.

Appendix 1.

PUBLIC OFFICIALS ASSESSMENTS OF QUALITY OF JUSTICE AND SELECTED PUBLIC SERVICES

	GOOD		OK		NEEDS IMPROV.		INADEQUATE		NO SERVICE		N.R./DON'T KNOW	
	#	%	#	%	#	%	#	%	#	%	#	%
Village Police	7	13.7	6	11.8	20	39.2	5	9.8	13	25.5	—	—
AST	13	25.5	12	23.5	14	27.5	10	19.6	1	2.0	1	2.0
AF&W	7	13.7	6	11.8	17	33.3	13	25.5	4	7.8	4	7.8
Magistrates	14	27.5	7	13.7	8	15.7	3	5.9	14	27.5	5	9.8
Legal Services	8	15.7	10	19.6	7	13.7	7	13.7	14	27.5	5	9.8
Prosecutor	3	5.9	11	21.6	9	17.6	5	9.8	11	21.6	12	23.5
Defense Services	4	7.8	9	17.6	3	5.9	4	7.8	20	39.2	11	21.6
Probation/Parole	8	15.7	8	15.7	7	13.7	8	15.7	12	23.5	8	15.8
Local Jail	2	3.9	3	5.9	11	21.6	9	17.9	22	43.1	4	7.8
Mental Health	4	7.8	3	5.9	6	11.8	4	7.8	29	56.9	5	9.8
Medical Services	15	29.4	11	21.6	17	33.3	4	7.8	2	3.9	2	3.9
State Jail	6	11.8	13	25.5	2	3.9	2	3.9	16	31.4	12	23.5
Educational Services	22	43.1	9	17.6	18	35.3	2	3.9	0	0.0	0	0.0
Fire	0	0	3	5.9	19	37.3	9	17.6	19	37.3	1	2.0
Welfare, Unempl.	10	19.6	16	31.4	13	25.5	6	11.8	2	3.9	4	7.8
Youth Services	0	0	1	2.0	7	13.7	13	25.5	28	54.9	2	4.0

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All Other Offenses	153.6	12.4	650.7	61.7	**167.9**
Curfew & Loitering	115.5	35.4	310.8	78.2	**118.9**
All Crimes	**2,670.1**	**1,640.9**	**12,626.3**	**2,057.8**	**3,130.5**
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	RATES*		
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